

REMARKS

The Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

I. Status of the claims

Claims 8-10, 18-49 are canceled without disclaimer or prejudice thereof.

Claims 1, 11 and 17 are currently being amended to omit reference to percent identity, and to replace the term “prevent” with the term “ameliorate.” Exemplary support for the term “ameliorate” can be found in paragraph [0360] of the published application (U.S. Publication No. 2002/0150534) or at paragraph [0365] on page 132 of the application as filed.

The Applicants acknowledge that the claim amendments are made after final rejection. However, because the amendments place the claims in condition for allowance or at least in better condition for appeal, entry and examination thereof is respectfully requested.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-7 and 11-17 are now pending in this application.

II. Claim rejections – 35 U.S.C. § 112, first paragraph, written description

Claims 1, 2, 11, 12 and 17 are rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to meet the written description requirement. Specifically, the Office Action asserts that the specification does not provide enabling support for “an antibody or fragment that binds and antagonizes a ‘TNF- γ - β protein at least 95% identical to SEQ ID NO: 20.”” (Office Action at page 4). The Applicants respectfully traverse the rejection.

However, solely to advance prosecution and without acquiescing to the correctness of the Office Action assertions, the claims have been amended to omit reference to percent identity, and to instead recite “a TNF-gamma-beta protein comprising SEQ ID NO: 20.” The claims fully comply with the written description requirement of 35 U.S.C. § 112, first paragraph, and reconsideration and withdrawal of the rejection is respectfully requested.

III. Claim rejections – 35 U.S.C. § 112, first paragraph, enablement

Claims 1-7 and 11-17 are rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to meet the enablement requirement. Specifically, the Office Action asserts that while the specification is enabling “for a method of treating IBD, Crohn’s disease or colitis,” the specification “does not reasonably provide enablement for a method of preventing IBD, Crohn’s disease or colitis.” (Office Action at page 6). The Applicants respectfully traverse the rejection.

However, solely to advance prosecution and without acquiescing to the correctness of the Office Action assertions, the claims have been amended to replace the word “preventing” with the word “ameliorating.” As described in section I, exemplary support is found in paragraph [0360] of the published application (U.S. Publication No. 2002/0150534) or at paragraph [0365] on page 132 of the application as filed.

The claimed methods are fully enabled; accordingly, reconsideration and withdrawal of the rejection under 35 U.S.C. § 112, first paragraph, enablement, is respectfully requested.

IV. Conclusion

The present application is now in condition for allowance. Favorable reconsideration of the application is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment instructions in EFS-Web being incorrect or absent, resulting in a rejected or incorrect credit card transaction, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, the Applicants hereby petition for such extension under 37 C.F.R. § 1.136 and authorize payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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By: /Stephanie H. Vavra/ Reg. No. 45,178

FOLEY & LARDNER LLP
Washington Harbour
3000 K Street NW, Suite 500
Washington, D.C. 20007-5143
Telephone: (202) 672-5538
Facsimile: (202) 672-5399

for Michele M. Simkin
Attorney for the Applicants
Registration No. 34,717